

### **REMARKS**

This paper is responsive to the Office Action mailed on September 26, 2005. Claims 28-41 and 53-56 are currently allowed in this application. Claims 28-41 and 53-56 are original, and of these, claims 28, 42, 53 and 56 are independent. Claims 42-52 are rejected. Claims 42-52 are amended, and of these, claim 42 is independent. No claims have been canceled. There are no new claims, and no new matter is added.

The previously filed terminal disclaimer for this case is hereby revoked. In light of this, Applicants address the double patenting rejections previously asserted in the office action mailed on June 13, 2005 below.

In the previous office action, claims 28-56 were rejected for nonstatutory obviousness-type double patenting over claims 1-27 of U.S. 6,651,057 (the "'057 patent"). According to the MPEP section 804.II.B.1, any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue would have been an obvious variation of the invention defined in a claim in the patent.

With respect to (A) above, the action that claims 1-27 of the '057 patent "contain every element" of claims 28-56 of the application; i.e., that there are no differences between the inventions defined by the claims. This however, is not the case. Claim 28 recites "(a) establishing (1) through the computer environment a set of training documents." In contrast, claim 1 of the '057 patent recites "establishing through a human annotator a set of training documents." The remaining claims of the '057 patent fail to cure this deficiency in claim 1.

With respect to (B) above, since the Action asserted the claims were identical, the Action never addressed the question of obviousness. Claim 28 is, in fact, non-obvious in light of claims 1-27 of the '057 patent. Specifically, it would not be obvious to replace the step of establishing the set of training documents through a human annotator with establishing these documents through a computer environment. Thus, Applicants respectfully request reconsideration and withdrawal of the double-patenting rejection of claim 28.

Since independent claims 42, 53, and 56 include similar limitations as claim 28, Applicants respectfully request reconsideration and withdrawal of the double-patenting rejection of independent claims 42, 53, and 56. Dependent claims 29-41, 43-52, and 54-55 depend, directly or indirectly, from independent claims 28, 42, 53, and 56. Applicants therefore respectfully request reconsideration and withdrawal of the double-patenting rejection of claims 29-41, 43-52, and 54-55 also.

Claims 42-52 are rejected under 35 U.S.C 101 for failing to limit the claims to statutory subject matter. Applicants disagree. However, to move prosecution forward, as suggested by the examiner, Applicants amend the rejected claims and replace "a computer readable medium" with "a computer readable storage medium." Thus, Applicants request reconsideration and withdrawal of the §101 rejection of claims 42-52.

Claim 42 is also rejected under 25 U.S.C. 112 for failing to provide antecedent basis for the limitation "the computer environment" in line 7. Amended claim 42 now recites "a computer environment" in line 2, providing antecedent basis for this term. Thus, Applicants request reconsideration and withdrawal of the §112 rejection of claim 42.

For at least the reasons stated in these Remarks, Applicants believe all pending claims to be in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P02-283 from which the undersigned is authorized to draw.

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Respectfully submitted,

By   
Edward A. Gordon

Registration No.: 54,130  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110-2624  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant